

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

**FORTY-FIFTH LEGISLATIVE DAY  
WEDNESDAY, FEBRUARY 24, 2010**

House of Representatives

The House convened at 10:30 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Zach Edenfield, Page.

### Approval of Journal

February 24, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Forty-fourth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

### Consideration of Messages from the Governor and the Senate

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

### CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Phil Hart, State Representative, District 03, House Seat B, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Steve Vick of Dalton Gardens, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, C. L. "BUTCH" OTTER, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Steve Vick, Acting State Representative, District 03, House Seat B, Kootenai County, State of Idaho, for a term commencing on February 24, 2010, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 22nd day of February, in the year of our Lord two thousand and ten and of the Independence of the United States of America, the two hundred and thirty-fourth year.

/s/ C. L. "BUTCH" OTTER  
Governor

/s/ BEN T. YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Steve Vick.

OFFICE OF THE GOVERNOR  
Boise

February 23, 2010

The Honorable Lawrence Denney  
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House bills, to wit:

[H 380](#), [H 381](#), and [H 441](#)

As Always - Idaho, "Esto Perpetua"  
/s/ C. L. "Butch" Otter  
Governor

February 23, 2010

Mr. Speaker:

I return herewith enrolled [H 412](#), [H 437](#), and [H 413](#) which have been signed by the President.

WOOD, Secretary

Enrolled [H 412](#), [H 437](#), and [H 413](#) were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 23, 2010

Mr. Speaker:

I transmit herewith [S 1322](#), [S 1329](#), [S 1247](#), [S 1316](#), [S 1332](#), and [S 1325](#) which have passed the Senate.

WOOD, Secretary

[S 1322](#), [S 1329](#), [S 1247](#), [S 1316](#), [S 1332](#), and [S 1325](#) were filed for first reading.

### Report of Standing Committees

February 24, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 595](#), [H 596](#), and [H 597](#).

CLARK, Chairman

[H 595](#), [H 596](#), and [H 597](#) were referred to the Revenue and Taxation Committee.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1267](#), [S 1287](#), and [S 1308](#) and recommend that they do pass.

CLARK, Chairman

[S 1267](#), [S 1287](#), and [S 1308](#) were filed for second reading.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 425](#), [H 478](#), [H 550](#), and [H 551](#) and recommend that they do pass.

BLACK, Chairman

[H 425](#), [H 478](#), [H 550](#), and [H 551](#) were filed for second reading.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 508](#), [H 526](#), and [H 510](#) and recommend that they do pass.

SCHAEFER, Chairman

[H 508](#), [H 526](#), and [H 510](#) were filed for second reading.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON COMMERCE AND HUMAN RESOURCES, report that we have had under consideration [H 558](#) and report it back with amendments attached to be placed on General Orders for consideration.

SCHAEFER, Chairman

[H 558](#) was placed on General Orders for consideration.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 533](#), [H 561](#), [S 1265](#), and [S 1266](#) and recommend that they do pass.

STEVENSON, Chairman

[H 533](#), [H 561](#), [S 1265](#), and [S 1266](#) were filed for second reading.

February 23, 2010

Mr. Speaker:

We, your COMMITTEE ON RESOURCES AND CONSERVATION, report that we have had under consideration [H 531](#) and report it back with amendments attached to be placed on General Orders for consideration.

STEVENSON, Chairman

[H 531](#) was placed on General Orders for consideration.

February 24, 2010

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, request that [SCR 119](#) be returned to the Desk for re-referral.

CLARK, Chairman

[SCR 119](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

#### HOUSE JOINT MEMORIAL NO. 12 BY STATE AFFAIRS COMMITTEE A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES  
OF THE UNITED STATES IN CONGRESS ASSEMBLED,  
AND TO THE CONGRESSIONAL DELEGATION

REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixtieth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the people of the state of Idaho are endowed with certain inalienable rights expressly conveyed to individuals in the Constitution of the United States; and

WHEREAS, in its ruling in *Citizens United v. Federal Election Commission*, No. 08-205, Slip Opinion (U.S. January 21, 2010), <http://www.supremecourtus.gov/opinions/09pdf/08-205.pdf>, the United States Supreme Court departed from a century of legal precedent affirming the public interest of and government authority in limiting corporate and labor organization campaign spending; and

WHEREAS, at the federal level, the concerns about unchecked political spending on elections extends back to the early twentieth century when President Theodore Roosevelt called for campaign finance reform in his annual messages to Congress in 1905 and 1906, resulting in the Tillman Act of 1907, which, in an effort to expressly distinguish between corporate and individual political spending on elections, banned direct contributions by corporations to federal candidates; and

WHEREAS, in its opinion in *Federal Election Comm'n v. National Right to Work Comm.*, 459 U.S. 197 (1982), the United States Supreme Court unanimously observed that "In order to prevent both actual and apparent corruption, Congress aimed a part of its regulatory scheme at corporations. The statute reflects a legislative judgment that the special characteristics of the corporate structure require particularly careful regulation. While 441b restricts the solicitation of corporations and labor unions without great financial resources, as well as those more fortunately situated, we accept Congress' judgment that it is the potential for such influence that demands regulation;" and

WHEREAS, the Supreme Court of the United States, for many decades, has repeatedly and consistently upheld reasonable limits on campaign spending, including independent expenditures; and

WHEREAS, corporations and labor organizations are neither citizens nor voters, yet through the expenditure of unlimited amounts of money, now have within their power the ability to disproportionately influence the outcome of an election; and

WHEREAS, as a result of the *Citizens United v. Federal Election Commission* ruling, there is likely to be a chilling effect on candidates and elected officials deterred from advocating and implementing policies that advance the public interest but may injure corporations or labor organizations.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge and petition the Congress of the United States and particularly the members of Congress representing the state of Idaho to use their efforts, energies and diligence in applying the powers vested in the legislative branch to negate the harmful effects of the United States Supreme Court's decision in *Citizens United v. Federal Election Commission*.

BE IT FURTHER RESOLVED that we urge the United States Congress to place limits, through lawmaking or constitutional amendment, on independent expenditures made by corporations and labor organizations with the primary purpose of influencing the outcome of any federal election.

BE IT FURTHER RESOLVED that we urge the United States Congress to affirm the power of the states to set limits, through lawmaking or constitutional amendment, on all forms of

contributions and expenditures made by corporations and labor organizations to influence the outcome of elections in the states.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

[HJM 12](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

#### **Introduction, First Reading, and Reference of Bills and Joint Resolutions**

[S 1322](#), by Health and Welfare Committee, was introduced, read the first time by title, and referred to the Health and Welfare Committee.

[S 1329](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[S 1247](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Commerce and Human Resources Committee.

[S 1316](#) and [S 1332](#), by Agricultural Affairs Committee, were introduced, read the first time by title, and referred to the Agricultural Affairs Committee.

[S 1325](#), by Commerce and Human Resources Committee, was introduced, read the first time by title, and referred to the Business Committee.

There being no objection, the House advanced to the Tenth Order of Business.

#### **Second Reading of Bills and Joint Resolutions**

[HJR 7](#) and [H 576](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

[H 481](#), [H 482](#), and [H 483](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 540](#) and [H 542](#), by Transportation and Defense Committee, were read the second time by title and filed for third reading.

[H 492](#), [H 496](#), and [H 522](#), by State Affairs Committee, were read the second time by title and filed for third reading.

[H 579](#), by Education Committee, was read the second time by title and filed for third reading.

#### **Third Reading of Bills and Joint Resolutions**

[HCR 45](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall [HCR 45](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart(Vick), Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews,

McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared [HCR 45](#) adopted and ordered the resolution transmitted to the Senate.

[H 458](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Burgoyne to open debate.

The question being, "Shall [H 458](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart(Vick), Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 458](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 509](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 509](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart(Vick), Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 70.

NAYS – None.

Whereupon the Speaker declared that [H 509](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 527](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Takasugi to open debate.

Pursuant to Rule 38(3), Mr. Luker disclosed a conflict of interest regarding [H 527](#).

The question being, "Shall [H 527](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Clark, Collins, Eskridge, Gibbs, Hartgen, Henderson, Higgins, Jarvis, Lake, Marriott, Moyle, Pasley-Stuart, Patrick, Raybould, Ringo, Schaefer, Shepherd(02), Shirley, Simpson, Stevenson, Takasugi, Thayn, Trail, Wills, Wood(27), Mr. Speaker. Total – 36.

NAYS – Boe, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Crane, Cronin, Durst, Hagedorn, Hart(Vick), Harwood, Jaquet, Killen, King, Kren, Labrador, Loertscher, Luker, Mathews, McGeachin, Nielsen, Nonini, Palmer, Pence, Roberts, Ruchti, Rusche, Saylor, Shepherd(08), Smith(30), Smith(24), Thompson, Wood(35). Total – 34.

Total – 70.

Whereupon the Speaker declared that [H 527](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[S 1256](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Killen to open debate.

The question being, "Shall [S 1256](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart(Vick), Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Bolz. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1256](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1257](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall [S 1257](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart(Vick), Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick,

Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Palmer. Total – 1.

Total – 70.

Whereupon the Speaker declared that [S 1257](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[H 544](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

The question being, "Shall [H 544](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart(Vick), Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Palmer. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 544](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HJR 5](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) to open debate.

The question being, "Shall [HJR 5](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Burgoyne, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Luker, Mathews, McGeachin, Moyle, Nielsen, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – Barrett, Bayer, Boyle, Chadderdon(Sims), Hart(Vick), Hartgen, Harwood, Labrador, Loertscher, Marriott, Nonini, Thayn. Total – 12.

Absent and excused – Palmer. Total – 1.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, [HJR 5](#) passed the House. Title was approved and the resolution ordered transmitted to the Senate.

[H 468](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Sayler to open debate.

The question being, "Shall [H 468](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon(Sims), Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart(Vick), Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Kren, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 66.

NAYS – None.

Absent and excused – Black, Labrador, Palmer, Schaefer. Total – 4.

Total – 70.

Whereupon the Speaker declared that [H 468](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Bedke asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Bedke moved that the House adjourn until 10:30 a.m., Thursday, February 25, 2010. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:03 p.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk